

## **BILL ANALYSIS**

Senate Research Center

H.B. 846  
By: Lewis, Ron (Brown)  
Natural Resources  
6/24/1999  
Enrolled

### **DIGEST**

Currently, Chapter 661, Government Code, requires all state agencies, including river authorities, to establish sick leave pools. Sick leave pools allow agency employees to voluntarily contribute sick leave to a pool for use by employees who have exhausted their sick leave. No explicit authority is provided to water districts, other than river authorities, to establish these pools. This bill would provide permissive authority for sick leave pools for all water districts and authorities operating under Chapter 36 or Chapter 49 of the Water Code. Chapter 36 of the Water Code was enacted in 1995 as a "stand alone" chapter for groundwater conservation districts. Section 36.052 provides that other laws governing the administration or operation of districts do not apply to Chapter 36 districts. Chapter 49 of the Water Code was enacted concurrently to provide administrative provisions for most water districts other than groundwater districts. This bill would add a provision to Chapter 49, Water Code, providing further clarification that it does not apply to districts governed under Chapter 36. Section 49.072, Water Code, disqualifies a director of a water district who becomes a candidate for another office. This provision is problematic as it relates to constitutional provisions for the removal and holdover of district directors. This bill sets forth the administration, management, operation, and authority of water districts and authorities.

### **PURPOSE**

As enrolled, H.B. 846 sets forth the administration, management, operation, and authority of water districts and authorities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to water districts in SECTION 22 (Section 49.233(a), Water Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 36.060, Water Code, by adding Subsection (d), to provide that this section prevails over other conflicting or inconsistent law, notwithstanding Section 36.052(a). Prohibits a water district's fees of office from increasing unless the district's board by resolution authorizes payment of the higher fees, if the application of this section results in an increase in the fees of office for any district.

SECTION 2. Amends Section 36.068, Water Code, by adding Subsection (d), to authorize the board of directors of water districts and certain authorities to establish a sick leave pool for district employees in the same manner as created for state employees in Chapter 661A, Government Code.

SECTION 3. Amends Chapter 36D, Water Code, by adding Section 36.123, as follows:

Sec. 36.123. RIGHT TO ENTER LAND. Authorizes certain individuals to go on any land to inspect, make surveys, or perform tests to determine certain information about the property. Requires the cost of restoration to be borne by the district or the water supply corporation. Provides that district employees and agents are entitled to enter any property within the district's boundaries or adjacent to any reservoir or property owned by the district at any reasonable time for certain purposes. Requires district employees and agents acting under this authority to observe the establishment's rules and regulations and requires the employees and agents to notify any occupant or management and exhibit their credentials.

SECTION 4. Amends Section 49.001(a), Water Code, by amending Subdivision (l) and adding

Subdivision (10), to redefine “district” and to define “district facility.”

SECTION 5. Amends Section 49.002, Water Code, to provide an exception to the application of this chapter to a district governed by Chapter 36 unless a special law creating the district or amending the law creating the district states that this chapter applies to that district. Makes a conforming change.

SECTION 6. Amends Section 49.054, Water Code, by adding Subsection (d), to provide that if the board appoints a director to serve as treasurer, that director is not subject to the investment officer training requirements of Section 2256.007, Government Code, unless the director is also appointed as the district’s investment officer under Chapter 2256, Government Code. Makes conforming changes.

SECTION 7. Amends Section 49.057(a), Water Code, to authorize an employee of a firm, partnership, corporation, or other entity with which the district has contracted to serve as the investment officer of the district under Section 2256.007, Government Code.

SECTION 8. Amends Section 49.066(a), Water Code, to authorize a district to sue and be sued on written contracts of the district.

SECTION 9. Amends Section 49.069, Water Code, by adding Subsection (d), to authorize the board of directors of the district to establish a sick leave pool for district employees in the same manner as authorized for state employees under Chapter 661A, Government Code.

SECTION 10. Amends Section 49.105, Water Code, to require a vacancy on the board to be filled for the unexpired term by appointment by a certain date. Authorizes a petition signed by a certain number of registered voters to be presented to the board, if the board has not filled a vacancy by a certain date. Makes conforming changes.

SECTION 11. Amends Section 49.152, Water Code, to authorize the district to issue bonds, notes, or other obligations to borrow money for certain purposes. Makes conforming and nonsubstantive changes.

SECTION 12. Amends Section 49.155, Water Code, as follows:

Sec. 49.155. New heading: PAYMENT OF EXPENSES. Authorizes the district to pay out of bond proceeds all authorized district expenses. Makes conforming changes.

SECTION 13. Amends Section 53.063, Water Code, to require a person to be a registered voter to be qualified for election as a supervisor. Makes conforming changes.

SECTION 14. Amends Section 661.001(4), Government Code, to redefine “state agency.” Makes conforming changes.

SECTION 15. Repealers: Sections 49.072 (Director’s Candidacy for Other Office: Ineligibility) and 54.103 (Election of Directors; Terms of Office), Water Code.

SECTION 16. Effective date: September 1, 1999.

SECTION 17. Emergency clause.